

United States District Court
Northern District of California

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

NNG, KFT.,
Plaintiff,
v.
GILES D. SHRIMPTON,
Defendant.

Case No. 19-CV-02029-LHK

**ORDER DENYING MOTION FOR
PRELIMINARY INJUNCTION
WITHOUT PREJUDICE; VACATING
BRIEFING SCHEDULE AND
HEARING DATE ON MOTION FOR
PRELIMINARY INJUNCTION**

On April 15, 2019, Plaintiff filed an ex parte application for a temporary restraining order for an order to show cause, and for a motion for preliminary injunction. ECF No. 3. In Plaintiff's ex parte application, Plaintiff claimed great urgency which required relief on an ex parte and expedited basis. Thus, on April 18, 2019, the Court granted in part and denied in part Plaintiff's ex parte application for a temporary restraining order and set a briefing and hearing schedule on Plaintiff's motion for preliminary injunction. ECF No. 11. The Court ordered Plaintiff to post a bond of \$1,000 with the Court. *Id.* at 2.

The Court ordered Defendant to file an opposition to Plaintiff's motion for preliminary injunction by Wednesday, May 8, 2019, on the assumption that Plaintiff would promptly post

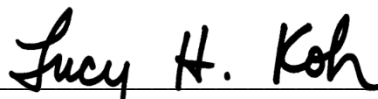
1 bond and serve Defendant with Plaintiff's complaint and ex parte application as well as the
2 Court's order.

3 To date, nearly two weeks later, Plaintiff has failed to post a bond with the Court and has
4 failed to file a certificate of service of the complaint, ex parte application, and the Court's order.
5 Plaintiff is not acting with the claimed urgency expressed in Plaintiff's ex parte application.

6 The Court hereby DENIES Plaintiff's motion for preliminary injunction without prejudice.
7 The briefing schedule and June 27, 2019 hearing are hereby VACATED. The Court set a briefing
8 schedule intended to give Defendant—who is now unemployed and will need to find legal
9 representation—a fair opportunity to respond to Plaintiff's motion for preliminary injunction.
10 Plaintiff's failure to act with the urgency expressed in Plaintiff's Application has undermined that
11 purpose and prejudiced Defendant.

12 **IT IS SO ORDERED.**

13 Dated: April 29, 2019

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15 LUCY H. KOH
16 United States District Judge
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